

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES,	)	
	)	NO. CR-04-0138-LRS
Plaintiff,	)	
	)	ORDER DENYING MOTION FOR
-vs-	)	RECONSIDERATION OF ORDER
	)	DENYING APPOINTMENT OF
RAFAEL MARTINEZ,	)	COUNSEL
	)	
Defendant.	)	

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BEFORE THE COURT is Defendant Martinez's letter titled "Motion for Appointment of Counsel," Ct. Rec. 135, filed on May 7, 2007. The Court will construe this writing as a motion for reconsideration of the Order Denying Motion for Appointment of Counsel, Ct. Rec. 134, entered on March 28, 2007. The Court notes that Mr. Martinez did not note this motion for reconsideration pursuant to the Local Rules of this District.

Defendant Martinez, a *pro se* prisoner at the federal prison in Lompoc, California, again requests this Court to appoint legal counsel to assist him in filing a §2255 Motion in this matter. Defendant again argues that he is mentally and physically unable to proceed with the filing of a §2255 Motion without appointed counsel.

There is no absolute constitutional right to appointed counsel in a federal habeas corpus proceeding. See *Coleman v. Thompson*, 501 U.S. 722, 752 (1991). Defendant Martinez has not made application for a writ of habeas corpus at this time. The Court finds that Defendant Martinez

1 has not made the necessary showing for appointment of counsel.  
2 Accordingly, **IT IS ORDERED** Defendant's motion for reconsideration of the  
3 order denying appointment of counsel, filed May 7, 2007, **Ct. Rec. 135,**  
4 is **DENIED**.

5 The District Court Executive is directed to enter this Order and  
6 forward a copy to Defendant Martinez.

7 **DATED** this 11th day of July, 2007.

8 ***s/Lonny R. Suko***

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10 LONNY R. SUKO  
11 UNITED STATES DISTRICT JUDGE  
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